



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/344,795  
Applicant : Nicholas D. Evans  
Filed : June 25, 1999  
TC/A.U. : 3621  
Examiner : James A. Reagan  
Docket No. : NESO:009  
Customer No. : 29,395

Confirmation No. 9466

Certificate Of Mailing

Pursuant to 37 C.F.R. Sec. 1.8, I hereby certify that this paper is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: Attention: Office of Petitions, Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 18, 2005.

*Deena Beasley*  
Deena Beasley

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Dear Sir:

In reply to the Notice mailed on July 2, 2004, please accept the attached complete listing of claims.

Applicant received a Notice of Non-Compliant Amendment mailed on July 2, 2004; and Applicant timely responded to the notice by a Response to Notice of Non-Compliant Amendment mailed on August 2, 2004.

Thereafter, Applicant received a next paper titled Failure to Acceptably Respond to Notice of Non-Compliant Amendment mailed on November 9, 2004.

On January 24, 2005, Applicant's representative received a call from and spoke to Examiner James A. Reagan. Examiner reported that the application was abandoned for non-compliance of the claim listing submitted in response to the notice of non-compliant amendment. Applicant's representative expressed that he believed the claim listing submitted in response to the notice had been corrected to comply. Applicant's representative misunderstood that the Failure to Acceptably Respond notice of November 9, 2004 was a separate requirement of the Office (from the Notice of Non-Compliant Amendment) requiring an additional response. Applicant's representative stated that Applicant would promptly petition to revive the application, as any abandonment was certainly unintentional.